

---

CITY OF KELOWNA

MEMORANDUM

---

**Date:** December 3, 2009  
**File No.:** BL9633/BL8504/BL9612/BL10232  
**To:** City Manager  
**From:** Subdivision Approving Officer  
**Subject:** TO AMEND BYLAW NO. 9612 BEING THE SOIL AND DEPOSIT REGULATION BYLAW AT THIRD READING TO INCLUDE INTERIOR HEALTH COMMENTS.

Report Prepared by: *Damien Burggraeve, Subdivision Planner II*

---

**RECOMMENDATION:**

THAT Bylaw 9612 being the Soil Removal and Deposit Regulation Bylaw be amended at third reading as outlined in the report from the Subdivision Approving Officer dated November 16, 2009.

**BACKGROUND:**

The new proposed Soil and Deposit Regulation Bylaw No. 9612 received first, second and third reading on Monday, September 20<sup>th</sup>, 2009.

It was after the bylaw received the first three readings that the City received comments for review from Interior Health. After reviewing the suggested comments, the following changes have been made to the bylaw for Council's approval:

- a) Deleting sub-paragraph 5.1 (m) from Section. 5. Exemptions From Permit Requirement

“(m) is required for the construction or maintenance of a private sewage disposal system for which a sewage disposal permit pursuant to the B.C. Health Act has been issued; or”

And replacing it with:

“(m) is required for the construction or maintenance of an on-site sewerage system for which a consultant's report by an approved industry professional has been provided to the City of Kelowna;”

- b) Adding a new sub-paragraph 6.2 (f) to Section 6. Permit Requirements as follows:

“(f) Information pertaining to the proximity of drinking water sources and third party oversight for activities conducted in sensitive drinking water source areas.” And



c) Deleting sub-paragraph 6.4 (c) from Section 6. Permit Requirements:

“(c) threaten the health, safety or welfare of the public or be otherwise contrary to the public interest;”

And replacing it with the following:

“(c) threaten the health of drinking water, health, safety or welfare of the public or be otherwise contrary to the public interest;”

**STAFF COMMENTS:**

These changes were made as a result of late comments from Interior Health. Staff felt that it was important to review and include some of the comments from Interior Health. However, Staff do not feel that these minor changes will have a significant impact on the overall direction of the new proposed Soil Removal and Deposit Regulation Bylaw 9612.

**INTERNAL CIRCULATION TO:**

Office of the City Clerk

**EXTERNAL AGENCY/PUBLIC COMMENTS:**

None. Previously circulated. The minor changes do not require circulation

**LEGAL/STATUTORY AUTHORITY:**

Section 8 Fundamental powers with and Section 9 Spheres of concurrent authority of the *Community Charter*.

Considerations that were not applicable to this report:

**LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:**

**EXISTING POLICY:**

**FINANCIAL/BUDGETARY CONSIDERATIONS:**

**PERSONNEL IMPLICATIONS:**

**TECHNICAL REQUIREMENTS:**

**COMMUNICATIONS CONSIDERATIONS:**

**ALTERNATE RECOMMENDATION:**

Submitted by:

  
R. Smith, Subdivision Approving Officer

- Approved for Inclusion:  John Vos, General Manager Community Services

cc:

- Development Engineering
- Land Use Management
- Infrastructure Planning
- Subdivision Approval branch
- Office of the City Clerk